

Notice of Allowability

Application No.

10/749,392

Examiner

Thomas A. Morrison

Applicant(s)

SAITO ET AL.

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's 11/03/2006 amendment.
2. ☒ The allowed claim(s) is/are 22-37.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Mary Jane Boswell (Registration No. 33,652) on January 19, 2006.

IN THE CLAIMS:

Claims 16-21 have been canceled.

In claim 22, line 1 before "of which", "one" has been replaced with -- each --.

In claim 22, line 2 before "of the", "one" has been replaced with -- each --.

In claim 22, line 12 after "discharge", "units" has been replaced with -- unit bodies --.

In claim 22, line 13 after "wherein the", -- first -- has been inserted.

In claim 22, line 13 before "ports", "entering" has been replaced with -- discharge --.

In claim 22, line 14 after "different", -- vertical -- has been inserted.

In claim 22, line 14 after "the", "second" has been deleted.

Art Unit: 3653

In claim 22, line 14 after "sheet", "discharge" has been replaced with -- entering --

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In claim 33, line 2 before "of which", "one" has been replaced with -- each --.

In claim 33, line 15 after "discharge", "unit" has been replaced with -- unit bodies -

-,

In claim 33, line 16 after "wherein the", -- first -- has been inserted.

In claim 33, line 16 before "ports", "entering" has been replaced with -- discharge

--,

In claim 33, line 17 after "different", -- vertical -- has been inserted.

In claim 33, line 17 before "sheet", "second" has been deleted.

In claim 33, line 17 before "ports", "discharge" has been replaced with -- entering

--,

In claim 37, line 1 after "claim", "36" has been replaced with -- 35 --.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

With regard to independent claims 22 and 33, Japanese Publication No. 10-129912 is the closest prior art reference of record.

With regard to independent claims 22 and 33, this Japanese publication discloses a plurality of sheet discharge units, with each of the sheet discharge units including a sheet discharge unit body; a sheet transport path; a sheet entering port; a first sheet discharge port; and a second sheet discharge port. However, this Japanese publication fails to disclose or suggest the different vertical positions of the first sheet discharge ports with respect to the sheet entering ports, as set forth in independent claims 22 and 33 as now amended by the examiner's amendment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600